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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,891	07/28/2003	Robert L. Demchick		3852

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EXAMINER

CHAMBERS, A MICHAEL

ART UNIT	PAPER NUMBER
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3753

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/628,891

Applicant(s)

DEMCHICK, ROBERT L.

Examiner

A. Michael Chambers

Art Unit

3753

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07/28/03 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

### DETAILED ACTION

1. This action is in response to a request for reconsideration filed December 24, 2004 and further request for reconsideration (2) filed August 11, 2004 and June 7, 2004 have been reviewed. The request for reconsideration filed June 7, 2004, was discussed in the office action mailed August 5, 2004. The request for reconsideration filed August 11, 2004 was discussed in the office action mailed December 13, 2004. Claims 1-17 are pending. Informational disclosure statements (IDS) filed June 3, 2004 and September 17, 2004, have been considered. Copies included with the Image File Wrapper (IFW) were difficult to read, however, applicant faxed clearer copies on November 15, 2004, and both IDS have been considered.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 148 USPQ 459, that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or unobviousness.

Art Unit: 3753

4. Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reid in view of Gron as cited in the previous Office action. Reid discloses the claimed invention except for the recitation of an exterior outlet separated from the “city water inlet” 18 of Reid as taught by water outlet G of Gron. **Gron shows a “city water” inlet C and valved exterior water outlet G which are shown to be disposed on respective different sides of the “recreational vehicle”**

**A.** The particular type of vehicle recited is deemed design choice and given no patentable weight. **All of the recited vehicles are variations of vehicles which include fluid systems having inlets and outlets.** In particular Reid discloses at least two different types of vehicles. The “fluid system” of Gron is readily usable on any of the recited vehicles. Note the toilet E sewage outlet and meter 26 disposition of Reid. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the recreation vehicle of Reid, as taught by Gron in order to provide ease of sanitary access. Applicant’s previous remarks, drawn to the previous rejection of claims 1-7 as being anticipated by Gron only, were considered and deemed persuasive. Claims 1-7 have been included with the previous rejection of claims 8-17 as discussed above. The patent to Gron is **NOT** applied as a teaching of a recreational vehicle, but rather Gron is applied as a teaching of modification of the disposition of water inlets and outlets to be on different sides of the vehicles of Reid as discussed above. Both patents are drawn to wheeled fluid systems and the teaching of one is readily applicable as a modifying teaching of the other. Contrary to applicant’s remarks the inlets and outlets are on respective different sides of the “recreational vehicle” **A.** The primary reference of Reid is clearly a recreational vehicle (i.e., camping trailers or boats-column 1, lines 7+). The location of the inlets and outlets of Gron are on different sides of the vehicle as recited in the claims. Reid is

Art Unit: 3753

applied as a teaching of a recreational vehicle having inlets and outlets. Applicant's remarks were considered, however, not deemed persuasive. As cited in the previous office action, Gron shows a "city water" inlet C and valved exterior water outlet G which are shown to be disposed on respective different sides of the "recreational vehicle" A. Such a teaching is not intended to be taught by Reid, but rather is intended to be modified by the teachings of Gron. The element G of Gron is an outlet (note column 2, lines 92+ G is disclosed as an discharge pipe) which includes an outlet. The patent to Reid teaches at least two different types of vehicles. With regard to the particular type of vehicle remarks, the particular type of vehicle recited is deemed design choice and given no patentable weight. All of the recited vehicles are variations of vehicles which include fluid systems having inlets and outlets. In particular The "fluid system" of Gron is readily usable on any of the recited vehicles and Reid is applied as a teaching of a particular vehicle. Note the toilet E sewage outlet and meter 26 disposition of Reid. Gron is applied as a "city water" inlet C and valved exterior water outlet G which are shown to be disposed on respective different sides of the "recreational vehicle" A.. The "beer" wagon of Gron is applied as a teaching of inlet/outlet disposition on a tanked vehicle and whether the fluid is beer or another fluid is not relevant. Lack of "overlap" in classification of the two applied patents is not relevant. The respective teachings are what is relevant. Motivation to modify the patent to tank vehicle of Reid in view of Gron includes improvement of the ease to access of the sanitary elements of Reid. The rejection of the claims is under *35 USC § 103* and not *35 USC § 102*. The remarks drawn to the relative ages of the applied patents is not relevant but rather what is relevant is what they teach.

*Conclusion*

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Newly cited patents to Sproule and Snyder are of particular interest.
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to A. Michael Chambers whose telephone number is 703-308-1016. The examiner can normally be reached on Mon-Thur. 6:30am-5:00pm.
7. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Mancene can be reached on 703-308-2696. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.
8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

Art Unit: 3753

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.



A. Michael Chambers  
Primary Examiner  
Art Unit 3753

amc  
November 22, 2004